

## **REMARKS**

Claims 1-14, 16, and 18 are now pending in the application. Claim 1 is currently amended. No claims are cancelled or newly added by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 101**

Claims 16 and 18 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. In accordance with the Examiner's suggestions, Applicant has already made the necessary amendments to claims 16 and 18 in the response to the previous Office Action. Accordingly, Applicant believes the rejection was repeated in error and requests withdrawal of the rejection.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1-4, 8-11, 12-14, and 16 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

Claim 1 was previously amended in the following manner:

an in-GOP image encoding step of encoding the image belonging to the given GOP when the encoded data of the image is output, wherein:  
when a subject is included in said images belonging to the GOPs and it is determined that the relevant image of the given GOP is not encoded, image data of the subject having a viewing position or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP.

Since "wherein" is positioned immediately following the "in-GOP image encoding step"

paragraph, the Examiner determined that the function or process of the last paragraph (i.e., "when a subject is included in said images belonging to the GOPs and it is determined that the relevant image of the given GOP is not encoded, ...") is performed in the "in-GOP image encoding step". However, generally, when attaching an additional description to the end of a claim which relates to the entire claim, Applicant believes the above manner of amending the claim to be permissible, namely, where the word "wherein" is included at the end of the last paragraph, and a new line is started to describe the substance of the contents. Therefore, Applicant asserts that the rejection of the Examiner is improper.

If no new line had been started in claim 1 after the above "wherein", it could be interpreted that the contents (function or process) following the "wherein" should be performed in the "in-GOP image encoding step". However, a new line is in fact started after "wherein" as described above, making the current description an ordinary description which causes no problem.

In addition, generally, the following description manner can be alternatively used:

an in-GOP image encoding step of encoding the image belonging to the given GOP when the encoded data of the image is output,  
wherein when a subject is included in said images belonging to the GOPs ...

Applicant supposes that this manner of description more clearly overcomes the relevant rejection and amends claim 1 accordingly. Therefore, Applicant requests reconsideration and withdrawal of the rejection.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3-8, 10-14, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimata (CIT 2004, IEEE; "Kimata") in view of Puri (Signal Processing Image Communication 2, 1990, pp. 127-144; "Puri"). Claims 2 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kimata in view of Puri, and further in view of Eifrig (U.S. Pat. No. 5,991,447; "Eifrig"). These rejections are respectfully traversed. Applicant files concurrently herewith a Notice of Appeal with respect to these rejections, and will more fully present its position in the corresponding appeal brief to be filed at a later date.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: December 6, 2011

By: /Gregory A. Stobbs/\_\_\_\_\_  
Gregory A. Stobbs  
Reg. No. 28,764

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

GAS/dec